

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)	CASE NO. BK 23-80623
)	Chapter 7
DANNIE L. BENNETT, Jr.,)	
MARIA J. BENNETT,)	
)	
Debtor.)	

MOTION FOR APPROVAL OF ABANDONMENT;
NOTICE OF OBJECTION/RESISTANCE DEADLINE;
AND CERTIFICATE OF SERVICE

COMES NOW, the Trustee in the above-captioned case and for his Motion for Approval of Abandonment, and alleges as follows:

1. The bankruptcy petition in this case was filed on August 11, 2023 under Chapter 13. The case was converted to a Chapter 7 on October 18, 2024.
2. The Trustee has investigated the claim, counterclaims and lawsuit involving the Debtors, HEA Corporation, Jordan Mellican, Renee Mellican, Super Clean Job site, LLC, Sunbelt Business Advisors, Inc., Andrew Foxhoven, and SCJS Franchising, Inc. filed in the District Court of Douglas County, Nebraska, case number CI 19-8909.
3. The Trustee has determined that pursuing the counterclaims filed by the Debtors and associated companies is not administratively feasible because the United States Bankruptcy Court, in a related adversary case, determined the Debtors engaged in fraudulent activity. Any recovery, in favor of the Debtors, would only reduce the claim that HEA Corporation, Jordan Mellican and Renee Mellican has against the Debtors without significant benefit to the bankruptcy estate. The administrative burden on the bankruptcy estate outweighs the benefit to be realized by the bankruptcy estate in the Trustee's opinion.
4. The Trustee has determined that pursuing the counterclaims against Sunbelt Business Advisors, Inc. and Andrew Foxhoven is not administratively feasible. The administrative burden on the bankruptcy estate outweighs the benefit to be realized by the bankruptcy estate in the Trustee's opinion.

WHEREFORE, the Trustee prays for an order of the Court approving his abandonment of the Debtors' claims against HEA Corporation, Jordan Mellican, Renee Mellican, Sunbelt Business Advisors, Inc. and Andrew Foxhoven; and for such other relief the Court deems just and equitable.

Nebraska Rule of Bankruptcy Procedure 9013 provides that all resistances to the Motion for Approval of Abandonment shall set forth the specific factual and legal basis and conclude with a particular request for relief and shall be served in conformance with Nebraska Rule of Bankruptcy Procedure 9014.

IF NO WRITTEN RESISTANCE OR REQUEST FOR HEARING IS FILED WITH THE BANKRUPTCY COURT CLERK, ROMAN L. HRUSKA, UNITED STATES COURTHOUSE, 111 SOUTH 18TH PLAZA, SUITE 1125, OMAHA, NEBRASKA, 68102, AND SERVED UPON PHILIP KELLY, TRUSTEE, ON OR BEFORE March 20, 2025, THE BANKRUPTCY COURT WILL CONSIDER ENTERING AN ORDER GRANTING THE RELIEF SOUGHT IN THE MOTION FOR APPROVAL OF ABANDONMENT. If a timely resistance or request for hearing is filed and served, the Bankruptcy Court will schedule a hearing with notice of the hearing being limited to parties who timely file a written resistance or request for hearing and the Trustee.

PLEASE GOVERN YOURSELVES ACCORDINGLY.

DATED: February 27, 2025

PHILIP M. KELLY, Trustee

By /s/ Philip M. Kelly
Philip M. Kelly, NSBA #15427
DOUGLAS, KELLY, OSTDIEK, SNYDER,
OSSIAN and VOGL, P.C.
105 E. 16th Street PO Box 419
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CERTIFICATE OF SERVICE

A copy of the foregoing was sent on the 27th day of February, 2025, by regular United States Mail, sufficient postage attached, to all parties on the attached mailing matrix, except for those receiving notification electronically via the CM/ECF system as indicated by a (+) beside their name on the attached matrix.

/s/ Philip M. Kelly
Philip M. Kelly, NSBA #15427

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Label Matrix for local noticing
0867-8
Case 23-80623-BSK
District of Nebraska
Omaha Office
Thu Feb 27 10:42:42 CST 2025

ACAR Leading LTD d/b/a GM Financial Leasing
PO Box 183853
Arlington, TX 76096-3853

ACAR Leasing Ltd. Dba GM Financial Leasing
c/o Michael P Gaughan
10484 Marty St
Overland Park, KS 66212-2559

Ally Bank
4515 N Santa Fe Ave. Dept. APS
Oklahoma City, OK 73118-7901

Ally Bank Lease Trust - Assignor to Vehicle
4515 N Santa Fe Ave. Dept. APS
Oklahoma City, OK 73118-7901

Ally Bank c/o AIS Portfolio Services, LLC
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Oklahoma City, OK 73118-7901

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Dannie L. Bennett Jr
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Maria J. Bennett
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Jordan Mellican

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HEA Corporation
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Overland Park, KS 66213-2848

Donald Ray Rison Jr+
McGrath North
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Suite 3700
Omaha, NE 68102-1627

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Nationstar Mortgage LLC
Attn: Bankruptcy Department
PO Box 619096
DALLAS, TX 75261 United States

Jefferson Capital Systems LLC
Po Box 7999
Saint Cloud MN 56302-9617

(d)Nationstar Mortgage LLC
Attn: Bankruptcy Department
PO Box 619096
Dallas, Texas 75261-9741

(d)Nationstar Mortgage LLC
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Dallas, TX 75261-9741

Nebraska Department of Revenue
Attn: Bankruptcy Unit
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Lincoln, NE 68509-4818

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Ally Bank, c/o AIS Portfolio Services, LLC
4515 N Santa Fe Ave. Dept. APS
Oklahoma City, OK 73118-7901

(u)BMO Bank N.A.

(u)BMO Harris Bank, N.A.

(u)HEA Corporation

(u)Renee Mellican

(u)Nationstar Mortgage LLC

(d)Wells Fargo Bank, N.A.
6818 Grover St. #302
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(d)Wells Fargo Bank, N.A.
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(d)Bank of the West
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End of Label Matrix
Mailable recipients 61
Bypassed recipients 10
Total 71